

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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:
UNITED PROBATION OFFICERS
ASSOCIATION et al., :

Plaintiffs, :

-v.- :

CITY OF NEW YORK et al., :

Defendants. :

ORDER

21 Civ. 218 (RA) (GWG)

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GABRIEL W. GORENSTEIN, UNITED STATES MAGISTRATE JUDGE

Subject to the final paragraph of this Order, the parties are directed to arrange the deposition of Andrea McGill immediately. At a minimum, by January 23, 2025, defendants shall provide three possible full day dates before February 18, 2025, for the deposition to take place.

As to the 30(b)(6) deposition topics, defendants shall provide plaintiffs a written letter on or before January 27, 2025, explaining their objections (including objections on the ground of burden) as to each of the topics in detail. Plaintiff shall respond by January 30, 2025. On or before February 4, 2025, defendants shall write plaintiffs with their position as to all topics. The parties are expected to confer as much as possible by telephone during this process to narrow topics and reach agreement.

Plaintiffs may seek relief from the Court as to any disagreements on the Rule 30(b)(6) topics by letter filed on ECF on or before February 7, 2025. Defendants shall file a response by February 11, 2025. A conference to discuss the discovery dispute will take place on February 13, 2025, at 3:30 p.m. in Courtroom 519, United States Courthouse, 40 Centre Street, New York, New York. The Court will decide the topics based on the parties' letters.

In the meantime, by January 24, 2025, the defendants are ordered to provide two dates for each 30(b)(6) witnesses the City would produce in the event plaintiffs were to prevail on every one of their claimed 30(b)(6) deposition topics. The dates shall be between February 18, 2025, and March 7, 2025. The parties shall then attempt to agree on those dates. If the parties are not able to agree on dates they shall follow the process outlined in Docket # 157 and provide the Court with a summary chart on or before February 7, 2025. The Court will then order dates for the depositions notwithstanding any claims of unavailability.

As to the issue of plaintiffs' request to file a sanctions motion (Docket # 178), while the Court questions whether preclusive sanctions are warranted, the Court has not seen full briefing and therefore cannot say for certain how it would rule if a sanctions motion were filed. The Court believes the better course is for the parties continue to try to schedule the deposition of Ms.

McGill and the 30(b)(6) witnesses as described above. If, however, plaintiffs wish to forgo these efforts and instead take their chances that the defendants' conduct to date will warrant the sanctions they seek, they may file a letter to the Court on or before January 22, 2025, asking that the Court vacate the requirements of the first four paragraphs of this Order and provide a proposed date for the filing of the sanctions motion. The Court will grant any such request on the understanding that the filing of this letter will preclude the plaintiffs from taking any further action to seek the depositions and that the Court's only determination will be whether preclusive sanctions are warranted based on conduct to date.

Finally, the parties may alter the deadlines herein by mutual agreement and without Court order. That said, the Court must be informed of any alteration of the February 11 deadline for the defendants' letter on the 30(b)(6) topics inasmuch as any extension of that deadline will likely require the adjournment of the February 13 conference.

SO ORDERED.

Dated: January 21, 2025
New York, New York



GABRIEL W. GORENSTEIN
United States Magistrate Judge